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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,860	10/12/2006	Petrus Adrianus Josephus Holten	NL 040451	5820
24737 7590 05/29/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
TSO, LAURA K				
ART UNIT		PAPER NUMBER		
2875				
MAIL DATE		DELIVERY MODE		
05/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,860

Applicant(s)

HOLTEN ET AL.

Examiner

Laura Tso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 13-17 and 20-26 is/are rejected.
- 7) ☒ Claim(s) 9, 11, 12, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 3/10/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

The allowability of claims 1-26 in the Office Action of 1/8/08 has been withdrawn in view of the rejection over the prior art below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 14-17 and 20-26 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT Document WO 02/16827.

The PCT Document discloses a luminaire comprising electrical contacting means for accommodating at least two lamps [L1, L2] at least one of the lamps having first color properties and at least one of the lamps having second color properties different from the first color properties [page 3, lines 31+], an exit window [W] adapted to allow light to pass from the interior to the exterior of the luminaire, a translucent element positioned between the lamps and the window [column 4, lines 26+], and at least one reflector [11] configured to guide light from each lamp to the translucent element so that equal ratio of each partial illuminance for each of the color properties is created at each position of the translucent element [note "effectively mixed" in abstract].

The first and second color properties comprise color temperature [page 3, line 32] and primary colors [page 4, line 2]. The lamps are between the reflector and the translucent element [figures 2 and 3]. The reflector is positioned so that it reflects light emitted by one of the lamps in a direction substantially transverse to the direction between the lamps and the translucent element [this would happen in figure 2 when horizontal light rays from one of the lamps hits the reflector 11 and is reflected producing a substantially horizontal reflected ray which would be transverse to the line connecting the lamps and the window]. The translucent element is a diffuser [column 4, line 26+] which inherently has Lambertian properties and forms an integral part of the exit window. The diffuser is a translucent element comprising a transparent panel with an optical structure to direct light [note prism; page 4, line 26+ and page 6, line 30]. The lamps are arranged in a plane which may be either parallel [figure 2] or perpendicular [figure 3] to the plane defined by the exit window. The lamps are fluorescent lamps where the color of the light emitted may be adjusted by adjusting the brightness of the individual lamps [abstract]. The maximum combined light flux originating from all lamps having first color properties is different from the maximum combined light flux originating from all the lamps having the second color properties [this is inherently possible because of the adjustment for brightness].

Claims 1-4, 6-8, 10, 13-17, 20, 21, 23 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication (JP-06150706).

The PCT Document discloses a luminaire comprising electrical contacting means for accommodating at least two lamps [1,2,3] at least one of the lamps having first color properties and at least one of the lamps having second color properties different from the first color properties [note abstract red, green, blue], an exit window adapted to allow light to pass from the interior to the exterior of the luminaire [8], a translucent element positioned between the lamps and the window [7], and at least one reflector [5] configured to guide light from each lamp to the translucent element so that equal ratio of each partial illuminance for each of the color properties is created at each position of the translucent element [note: "uniformly mixing" in the purpose of the abstract].

The first and second color properties comprise color temperature and primary colors [note abstract red, green, blue]. The lamps are between the reflector and the translucent element [figure 2]. A shielding reflector [4] is positioned between the lamps and the window and shields the translucent element from the lamp axis of one lamp [figure 2]. The shielding reflector partially transmits light and partially reflects light [Note the shielding reflector, 4, blocks only "part of the light that the fluorescent lamp emits" abstract] and, inherently, has a coating providing the partial transmission and partial reflection of light. Inherently the shielding reflector guides some light into the region between the shielding reflector and the translucent element. The translucent element is a diffuser which inherently has Lambertian properties and forms an integral part of the exit window. The diffuser is a translucent element comprising a transparent panel with

a optical structure to direct light. The lamps are arranged in a plane which may be either parallel to the plane defined by the exit window. The lamps are fluorescent lamps.

Allowable Subject Matter

Claims 9, 11, 12, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to show or suggest a luminaire comprising electrical contacting means for accommodating at least two lamps at least one of the lamps having first color properties and at least one of the lamps having second color properties different from the first color properties, an exit window adapted to allow light to pass from the interior to the exterior of the luminaire, a translucent element positioned between the lamps and the window, and at least one reflector configured to guide light from each lamp to the translucent element so that equal ratio of each partial illuminance for each of the color properties is created at each position of the translucent element wherein:

1) at least one reflector comprises a shielding reflector positioned between the lamps and the translucent element which partially transmits light and partially reflects

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light and the shielding reflector has a non-straight edge in the longitudinal direction, or the shielding reflector is provided with a perforation, the perforation providing the partial transmission and partial reflection of light, or the ratio between partial transmission and partial reflection varies across the reflector.

2) at least one opening is formed in the part of the luminaire in the position substantially opposite the exit window.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Tso whose telephone number is 571-272-2385. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura Tso/
Primary Examiner
Art Unit 2875